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November 6, 2013

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BY ECF AND FACSIMILE

Hon. Shira A. Scheindlin
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007-1312

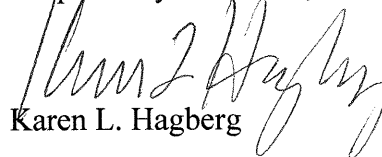
Re: *Sekisui America Corporation et al. v. Hart et al.*, Case No. 12-cv-3479 (SAS) (FM)

Dear Judge Scheindlin:

We represent Plaintiffs in the above-referenced action. We are in receipt of Ms. Bierut's email notifying the parties that the Court granted Defendants' November 4, 2013 request. Plaintiffs simply request that if Defendants' rebuttal damages expert, Dr. Bajaj, has new or additional opinions based on his review of Mr. Erb's supplemental report, Defendants notify Plaintiffs of these additional opinions and a summary of the basis for them in a short statement by the time of the parties' pretrial disclosures, consistent with Federal Rule of Civil Procedure 26(e)(2). Otherwise, Plaintiffs would have no notice of those opinions prior to trial, and would be prejudiced in any cross-examination of Dr. Bajaj.

Regarding Defendants' intention to go forward with their motion to exclude the Kuehn Report, Plaintiffs ask that the motion be filed no later than November 11, 2013.

Respectfully submitted,



Karen L. Hagberg

cc: Franklin B. Velie, Esq. (fvelie@sandw.com; via email)
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